

ADVISORY COMMISSION ON SPECIAL EDUCATION

January 25, 2001
MEETING MINUTES

APPROVED 4/26/01

CALIFORNIA DEPARTMENT OF EDUCATION
721 CAPITOL MALL, ROOM 166A&B
SACRAMENTO, CA 95814

Thursday, January 25, 2001

Commission Members Present

Loeb Aronin, Chair
Patty Boyle
Patricia Flores-Charter
Karla Geller
Julie Kennedy
Lawrence Siegel
Linda Wyatt

Louis Cassani, Vice-Chair
Allison Brightman
Angela Hawkins
Shirley Kaltenborn
Janet Mangini
Sam Swanson

Commission Members Absent

Richard Hayes

Barbara Monroe

Student Member Present

Danielle Morin

Student Member Absent

Shawn Mohamed

Legislative Members Absent

Charles Poochigian, Senate Member

Assembly Member, Vacant

Governor's Office, Deputy of Education K-12, Liaison Absent

Theresa Garcia

State Board of Education Liaison Absent

Susan Hammer

Kathryn Dronenburg

Department of Education Staff Present

Alice Parker, Executive Secretary
Director, Special Education Division

Janet Canning, Staff Liaison
Yolanda Starr, Commission Secretary

Department of Education Staff Absent

Ronald S. Kadish, Director
State Special Schools Division

Thursday, January 25, 2001

CALL TO ORDER

Chair Loeb Aronin called the meeting to order at 8:40 a.m. Roll was taken and a quorum was present.

INTRODUCTIONS/ANNOUNCEMENTS

- Chair Aronin announced Commissioners Barbara Monroe and Larry Siegel, due to prior commitments, would arrive later in the day.
- Chair Aronin welcomed and introduced Commissioners Teri “Sam” Swanson and Patty Boyle, newly appointed members of the Commission. Ms. Boyle briefed the Commission on her background in special education. She currently teaches special education teachers and supervises special education student teachers. Commissioner Swanson is a Speech-Language Pathologist. Her interest in literacy led her to develop her own method of teaching students to read. Commissioner Swanson has 20 years of experience in special education.
- Commissioner Julie Kennedy announced she participated in a workshop in November in Long Beach on Special Education Reform. Commissioner Kennedy encouraged workshop participants to attend Commission meetings.

OPERATIONS & PLANNING MEETING REPORT

The Operations and Planning meeting was held on Wednesday evening, January 24, 2001. Points of discussion were:

- New Commissioners were introduced.
- Review and modification of Commission agenda: 1:35 p.m. Sunset Review discussion; 4:15 p.m. Meeting with John Mockler; 10:30 a.m.-Teri Burns, Governmental Affairs Office replaced Jennifer Borenstein; Stakeholder meeting follow-up on Friday.
- Legislative visits: Approximately 37 legislators were contacted.
- Kerry Mazzoni meeting—Theresa Garcia, Secretary for Education Liaison and Lynn Lorber, Analyst, were contacted.
- Two prospective student members will begin attending Commission meetings as orientation to the Commission.
- Commission budget: In-house staff will audio tape Commission meetings, out of the traditional Sacramento location (721 Capitol Mall, Room 166A&B), in an effort to reduce costs.
- Establishment of Stakeholder Steering Committee
- Agenda distribution
- Possible future agenda items such as nonpublic school programs, alternative dispute resolution and others.
- Federal liaison for Commission and senators on educational issues.

CHAIR REPORT

Chair Aronin stated the Commission's 2001 meeting calendar dates were changed to September 20-21, October 25-26, November 14-16, and March 20-22 due to holidays.

In addition, Chair Aronin read from a Letter to the Editor on Educational Reform, entitled *Do U.S. Reformers Work Backwards?* The article made a comparison of the United States' and England's approach to education reform.

LIAISON REPORT

Commissioner Janet Mangini reported she attended the State Board of Education meeting. Highlights of the meeting included approval of Teri Swanson's appointment to the Commission, Reed Hastings' appointment effective January 10, 2001 as State Board President. In addition, Kathryn Dronenburg and Marian Burgesen would be leaving the State Board. The English Language Development Assessment process was standardized for listening, speaking, reading and writing. In addition, the Board suggested school districts hold informational hearings for parents.

Commissioners Shirley Kaltenborn and Angela Hawkins attended the Low Incidence Disability Advisory Committee (LIDAC) meeting in San Diego. LIDAC representatives expressed their desire for inclusion in the Stakeholder Committee. Commissioner Hawkins reported she invited LIDAC to Commission meetings. The next LIDAC meeting will be in northern California on March 31, 2001.

Additional Liaison Assignments were made.

Linda Wyatt - Youth Leadership Forum

Karla Geller - School to Career

Patricia Flores-Charter and Teri Swanson - Specific Learning Disability Criteria

Julie Kennedy requested to be added to the Legislative Committee.

APPROVAL NOVEMBER 16-17, 2000 MINUTES

Correction: Friday: Announcements: Floating fund balance was \$169.21. Now it is \$219.21.
(Note: Commissioner Kaltenborn is manager of this fund for the Commission.)

M/S/C 01-01-01

MOVE THAT THE MINUTES BE APPROVED AS CORRECTED.

Cassani/Kaltenborn

STUDENT MEMBER REPORT

Student Member Danielle Morin reported she worked at Disneyland during the holidays, however she intended to continue her work for the Commission and orient the two prospective, new students.

Special Education Division Report, Dr. Alice Parker, Executive Secretary, Director,
reported she attended the National Association of State Directors of Special Education (NASDE)

in November and was elected as Member at Large of the Board of Directors. Dr. Parker stated she would provide names of the chairs and co-chairs for the Senate and House Committees. In addition, Dr. Parker was made chair of a subgroup of State Directors and National Associations for Charter Schools to develop a position paper for a national policy on charter schools. Dr. Parker will provide the Commission a copy of the draft position paper. Dr. Parker suggested the Commission might consider researching Disney Corporation since it sponsored schools in Florida and provided fiscal and job support for youth.

Dr. Parker stated California received the final funding allocation for Federal Part B of the Individuals with Disabilities Education Act (IDEA), an increase of \$144 million from 2000.

Dr. Roderick Paige was appointed as the new Secretary of Education. Dr. Paige would focus on having early literacy programs in reading, language arts and math for preschool through third grade. In addition, Dr. Paige supported that full funding of IDEA be accomplished in six years.

Dr. Parker reported staff from the Office of Special Education Programs (OSEP) was visiting the Department and she and Staff Liaison Janet Canning would meet with them regarding the Eligibility Document. Approved policies and procedures will have to be filed with the Secretary of Education by March 15, 2001 to receive the grant award for 2002. Dr. Parker stated she or Staff Liaison Canning would report to the Commission regarding OSEP's findings. The Commission was invited to attend the verification reviews and given the 2000-01 Schedule for the Verification Reviews at school districts. Dr. Parker requested that Commissioners contact Staff Liaison Canning to schedule their visits.

Dr. Parker commented Dennis Kelleher, Special Education Division was the consultant for visual impairment and would be on the Visual Impairment Task Force developed by State Superintendent of Public Instruction, Delaine Eastin. Mr. Kelleher will update the Commission on the task force's activities.

Dr. Parker will present at the California Association of Resource Specialists and Special Education Teachers (CARS+) Conference in February, Double Tree Hotel, Sacramento.

The OSEP Leadership Conference will be April 25-27, 2001 in Washington, D.C. and Dr. Parker suggested the Commission send a representative to the Conference.

Dr. Parker will attend the Seven-Pak (seven large states) meeting in Austin, Texas the first week in February 2001. A superintendent, assistant superintendent or special education director in special education from the largest city in each of the seven states will also attend the meeting. Los Angeles Unified School Superintendent will attend with Dr. Parker. Representatives from Houston, Cleveland, New York City, Chicago, Miami Dade, and Pittsburgh will attend. Among the issues to be covered, were: achievement, schools of choice, programs that work in schools, closing the gap.

Questions/Comments ensued.

Presentation: School Finance: Paul Goldfinger, Advocate, Coalition for Adequate Funding; Tom Parish, American Institutes for Research and Teri Burns, Director, Governmental Affairs, California Department of Education

spoke to the Commission on the financial requirements to make sure all classes in special and general education consist of 20 or fewer students, upgrade facilities, fully professional, effective, appropriately paid and trained teacher core, federal funding of 40 percent and alternative sources for funding.

Tom Parish, Director, Center for Special Education Finance at American Institutes for Research, stated the Center was funded by the U. S. Department of Education. The Center focused on expenditure issues and was doing a national expenditure study on special education spending. In addition, the Center conducted a nation-wide survey for input on what each state spent on special education. Mr. Parish stated the survey's results were in draft form and he would provide copies to the Commission upon request.

In addition, Mr. Parish distributed a handout, entitled, *Special Education Expenditures as Reported by States: 1998-1999* that showed California spent approximately \$760 more revenues per special education student than other states. Total spending was approximately \$1,300 more. Regarding alternative sources of revenue to fund special education, Mr. Parish stated Medicaid funding would provide a large revenue source. See handout.

Paul Goldfinger, Vice-President, School Services of California and Advocate for the Coalition for Adequate Funding for Special Education, added that barriers had been set to obtain special education funding in California by having low reimbursement rates and not getting a reasonable share of Medicaid. Mr. Goldfinger stated the Medicaid process in California involved administrative reimbursement to offset specific services in special education that were preset by California and a fee for services. Only certain licensing is reimbursable, such as services by licensed speech pathologists. Licensed speech therapists were not eligible for reimbursement.

Regarding the cost to implement class size reduction in all grades, it would cost approximately \$3.6 billion/year, in operations only, for K-3 grades. As a result of AB 602, funding had almost been completed and extra monies would be given to SELPAs. Enrollment for K-12 special education had grown by 20 percent and pupil counts by 30 percent. This was one and half times as fast as general education students in total education counts in California.

Mr. Goldfinger encouraged the Commission to review why pupil counts and costs were growing so quickly and to investigate changes that could be made to the Hearing Officer process and services. He referred to the study done by Gail ImObersteg on Hearing Officer process that found Hearing Officers were not well qualified.

Teri Burns, Director, Governmental Affairs, California Department of Education, spoke about potential numbers statewide and special education funding. Ms. Burns agreed it would cost approximately \$3-4 billion initially to reduce all the rest of the classes in California. However, because of the energy cost, teacher and facility availability, Ms. Burns commented there would likely be opposition to class size reduction.

Regarding upgrading all facilities in California, Ms. Burns stated five-year deferred maintenance plans in California would take a minimum of \$2.6 billion. If all facilities were brought to the standard proposed in the “Williams” ACLU lawsuit, it would cost \$10 billion or more.

Regarding costs of training and paying teachers, (more than 35,000 in California), it would cost a minimum of \$220 million to credential teachers in special education. It would cost approximately \$4 billion to have fully certificated, credentialed and trained teachers in all California’s classrooms. This figure would be \$8 billion if competitive teacher salaries were included. The total package would be \$20 billion not including any additional work or areas.

Regarding the increased special education population, Ms. Burns stated various factors were involved, such as more awareness, better identification and more parents pursuing special education for their children. In addition, the increase in high cost and high demand students might put school districts at fiscal risk. Different alternatives are being researched to pay for high cost students. Ms. Burns encouraged the Commission to continue its contact with the Governor’s Office regarding funding local districts for high cost students.

Suggestions by the presenters to the Commission included:

- Address rapid growth in learning disabled population.
- Identify districts or SELPAs that have abnormally high percentage of students in learning disabilities and review the Individualized Education Plan (IEP) process, alternative programs.
- Review high cost placements.
- Review high level of service to students.

Questions/Comments ensued.

Panel: Concerns of Parents and Teachers of Special Education Pupils Regarding Proposed Diploma Standards: Mal Grossinger, parent/principal; Cheryl Cohen, parent and Pat Moore, Director of Instruction, California School for the Deaf, Fremont.

Ms. Moore distributed a handout regarding a proposal for the Commission to seek legislation that would allow all students who successfully complete a high school course of study to receive a diploma. The proposal would allow students to receive recognition for their accomplishments and would not deprive students the opportunity to obtain gainful employment.

There were three scenarios under the proposal:

1. Students who passed the Golden State Examination and completed a high school course of study would receive a diploma with a seal and recognition of highest honor on the diploma.
2. Students who passed the High School Exit Exam and completed a high school course of study would receive a diploma and recognition on the diploma that the student graduated with distinction.
3. Students who passed a high school course of study and did not pass the High School Exit Exam would NOT receive a diploma. See Handout.

Cheryl Cohen, parent of a daughter at CSDF and a son in special education at Pleasanton Unified School District, is also chair on the Community Advisory Council at CSDF. Mrs. Cohen described the programs CSDF utilized following the California State Framework guidelines to teach students. In addition, Mrs. Cohen stated it was very difficult for most deaf students to pass standardized testing which is English based and biased toward students for whom English is a second language.

Malcom J. Grossinger, signed in American Sign Language and Ms. Moore interpreted his experiences as a person who is deaf. Mr. Grossinger worked 10 years at Gallaudet University, Washington, D.C., Human Resources and Admissions and Development before moving to California. In California, Mr. Grossinger taught a career exploration class for four years before becoming principal at CSDF. Mr. Grossinger is a fourth generation deaf person and is a parent of two deaf children. The concern Mr. Grossinger expressed was that many students at CSDF would not qualify to receive a high school diploma. Many students at CSDF read at third or fourth grade level. Although communication and isolation was a key barrier to most deaf students upon arriving at CSDF, they were very bright and had the desire and motivation to learn. The CDE certified six different programs at CSDF: woodworking technology, business office technology, graphics technology, horticulture science, food education and service training and construction technology. Students who complete the programs are qualified for employment, however, they will not receive employment opportunities if they cannot pass the High School Exit Exam and receive a diploma.

Mr. Grossinger investigated diploma systems in New York, North Carolina and Maryland:

New York offered three kinds of diplomas:

- 1) Regis Diploma-required to pass five exit exams and take 20.5 academic credits;
- 2) Local Diploma-required to pass six competency tests and same credit requirement;
- 3) Regular high school diploma

North Carolina offered two diplomas:

- 1) High School Diploma;
- 2) Occupational Diploma

Maryland offered two diplomas:

- 1) High School Diploma with a course of study and a State Board of Education designed test;
- 2) Diploma from local schools who award diplomas to students who complete the high school course of study.

Mr. Grossinger suggested California adopt a system similar to these states.

Steve Orman, Career Counselor, CSDF has been a CDE employee for 24 years and has worked in elementary through high school in multi-handicapped special needs and is now in the Transition Partnership Program. He worked with juniors and seniors in high school to prepare them for graduation. In addition, he guides students through the Alpha Transitioning Process to connect them with colleges and training programs and support services. Mr. Orman shared some issues students have experienced who have graduated with a diploma:

- Hardship in obtaining and maintaining employment even with support services
- Left to do janitorial, stockroom or assembly line work due to communication barriers related to deafness.
- Employers expressed fear in hiring people who are deaf.

Mr. Orman contacted employers who stated that without a diploma, opportunities for advancement would be limited and students would remain in entry-level jobs until they received a high school diploma. In addition, Mr. Orman stated 60 percent of freshmen entering CSDF read at first and second grade level. Reading was the barrier to students receiving a high school diploma.

Questions/Comments ensued:

It was suggested that the Commission and the four panelists contact other interested groups and legislators in California.

PUBLIC INPUT

Patricia Salcedo, Program Specialist-SEEDS/Parent, Low Incidence Disability Advisory Committee (LIDAC), listed various requests for the Commission to consider:

- Increase in low incidence funds.
- Establish CDE policy in conjunction with Department of Rehabilitation, regarding follow-along of low incidence equipment when students leave the public school system.
- Reassignment of CDE consultants with specialized backgrounds for technical assistance of low incidence disabilities.
- More qualified, credentialed teachers in low incidence disability areas.
- Encourage increased funding from federal government to support teacher-training programs at institutions of higher education and all low incidence areas including visually and physically impaired.
- Reinstatement of special education division Liaison to LIDAC.
- Provide input to SAT 9 and High School Exit Exams regarding needs of students with low incidence disabilities.
- Inclusion of all Designated Instructional Services (DIS) low incidence staff and a tax credit for teachers initiative as well as other related programs as awards at low performing schools.

Patty Arvin, Liaison, California Teachers Association, spoke regarding litigation costs in California. Ms. Arvin stated not being able to use resources was the problem not litigation costs. She cited several examples of training opportunities she was unable to pursue due to lack of funding and resources.

Robert Powell, California Speech-Language-Hearing Association, distributed material on a Visual Phonics Workshop to be held February 24, 2001, Modesto and on the 49th Annual State Conference in Monterey, April 5-6, 2001, Hyatt Regency. In addition Mr. Powell requested the Commission support SB 50 (Machado) and a proposal to clarify the term “teacher” in the teacher

tax credit portion. The Association of California School Administrators (ACSA) will co-sponsor this proposal with CTA.

Update: 2001 Special Education Sunset Review and Public Input, Janet Canning, Staff Liaison, California Department of Education, shared a copy of a letter and survey sent to Interested Persons in public special education programs: Parents and Professionals, Individuals and Organizations on November 4, 2000. The purpose of the survey was to assist CDE analyze the effectiveness of special education in the state and make recommendations to the Legislature. In addition, the draft of the *2001 Sunset Review Report on Special Education Programs*, resulting from the survey responses, was distributed to the Commission for their review of recommendations in the report. Ms. Canning acknowledged Dr. Allan Simmons, who drafted the report and has been the primary writer on this project. Dr. Simmons suggested the Commission read teachers' comments in the report. The biggest concern teachers had, was their ability to work with students and that teaching colleagues were not trained in working with students assigned to them.

In addition, Ms. Canning distributed copies of a press release regarding "Special Education in Crisis: Teaching Conditions Limit Teachers' Effectiveness." The release cited problems special education teachers faced, such as high caseloads, overwhelming paperwork, little time for individual instruction among others. See Handouts.

Questions/Comments ensued.

M/S/C **01-01-02**

MOVE THAT THE DEPARTMENT OF EDUCATION SUBMIT THE "2001 SUNSET REVIEW REPORT ON SPECIAL EDUCATION PROGRAMS" TO THE LEGISLATIVE ANALYST'S OFFICE.

Mangini/Cassani

Presentation: CalSTAT Family Projects Parent Panel – A State Improvement Grant Activity: Forging Strong Partnerships Between Families and Schools: A Report from the Family Partnership Symposium, Joan Kilburn, Chair, Kelly Young, Diana Navarro, LaVonne Gordon.

Joan Kilburn, Project Manager at CalSTAT, a CDE special project that works with school districts to educate families and children with special needs, distributed material on topics from three family forums held in northern, central and southern California in spring 2000. Over 200 families participated in the forums. In addition, the panel shared recommendations made under the following four topics covered at the forums: Information Sharing, Mutual Support, Integrated Training and Collaborative Decision Making. See Handout.

The panel requested the Commission be proactive and disseminate the recommendations to the CDE, Legislature and Governor.

Questions/Comments ensued.

Presentation: Special Education Funding, Kathy Moroney, Consultant and Eileen Cubanski, Manager, California Department of Education. Kathy Moroney distributed copies of a document regarding federal funds. The document covered the following areas:

- Overall process of receiving federal funds
- Types of federal IDEA funding received in California
- Federal funding categories; minimums/maximums; restrictions—Current funding for 2000-01
- Interplay with State Budget Act—Governor's Budget for 2001-02
- Distribution process and timing
- Current Issues

In addition, Mrs. Moroney distributed copies of a document entitled, *California's Special Education Statewide Enrollment Data*, that established the relationship between growth in general and special education. This document may be accessed at the Division's web site: <http://www.cde.ca.gov/spbranch/sed/enrldata.htm>. See Handouts.

Regarding funding of the due process system, Mrs. Moroney stated the Commission held public hearings in 2000 and was active in supporting Gail ImObersteg's report on increased funding. As a result of the study, an additional \$3 million was received under a new contract. The contract was based on the study and included significant expansion of duties by the contract.

Mrs. Moroney also distributed a chart by the National Association of State Directors of Special Education that showed how other states used their federal funds. See Handout.

Eileen Cubanski, Manager, Special Education and Categorical Programs Unit, School Fiscal Services Division, referred to a table she distributed that compared funding for special education in 2000-01 and proposed funding for 2001-02. In addition, she gave a brief description of the components in AB 602.

- **Base Component:** State funding for special education is provided on an Average Daily Attendance (ADA) basis and is given to SELPAs, who in turn allocate to agencies in the SELPAs.
- **Cost of Living Adjustment (COLA) Component:** Special education received 3.17 percent for 2000-01 Fiscal Year. The proposed COLA for 2001-02 is 3.91 percent.
- **Growth Component:** For special education funding, it is based on growth in the ADA reported by SELPAs. Growth was also based on the statewide target rate. Equalization, another component of AB 602, was expected to be fully funded in 2001-02 Fiscal Year.
- **Incidence Factor Adjustment (low incidence disability adjustment) Component:** This measured the incidence of high cost disabilities relative to a statewide average.

Ms. Cubanski cited programs available for funding: Program Specialists/Regionalized Services, Low Incidence Materials and Equipment, Nonpublic School Licensed Children's Institution, Infant Program, WorkAbility One, Regional Occupational Centers and ROC/P Handicapped and Extraordinary Cost Pool. Regarding General Funds, the CDE distributes funds to local SELPAs and they in turn allocate funds to districts. See Handout.

Questions/Comments ensued:

Staff Liaison Canning requested that Eileen Cubanski contact the Commission when the legislation occurred regarding state funds left in when additional federal funds are in the formula.

Presentation: Legislative Issues – Association of California School Administrators (ACSA) and Special Education Local Plan Area (SELPA) Directors, Maureen Burness, Placer-Nevada SELPA, spoke to the Commission about the collaborative effort between SELPA and ACSA and all other coalition groups. Mrs. Burness stated the first priority for ACSA and SELPA administrators was to have 40 percent level of funding at the federal level for special education. In addition, Mrs. Burness spoke about putting forth an IDEA integration bill that would bring educational alignment in IDEA. The SELPA will vote and help host discussion groups regarding an amendment.

Questions/Comments ensued.

Follow-up to Meeting with John Mockler and Stakeholders' Meetings, Commissioners

John Mockler meeting observations:

The Governor would not sign mandates for money. Incentives were needed.

Open door policy was promoted.

Stakeholder follow-up:

It was suggested that a Steering Committee be formed and that the Commission be represented on the Committee. Donna Lucansky, CARS+ agreed to participate in the Committee with the Commission to develop strategies on how to proceed in their next steps. Patty Arvin, CTA stated she would present the suggestion of participating in the Committee to CTA and report back to the Commission at a future meeting. Karin O'Connor, PTA stated she would share this information with the PTA.

M/S/C **01-01-03**

MOVE THAT THE ADVISORY COMMISSION ON SPECIAL EDUCATION RECOMMEND FULL FUNDING (40%) FOR SPECIAL EDUCATION—IDEA '97 AND NOT TO CO-MINGLE WITH ANY OTHER CATEGORICAL PROGRAM GRANTS.

Kalthernborn/Mangini

Meeting adjourned at 4:40 p.m., as there was no further business.

Friday, January 26, 2001

Commission Members Present

Loeb Aronin, Chair
Patty Boyle
Patricia Flores-Charter
Angela Hawkins
Julie Kennedy
Barbara Monroe
Linda Wyatt

Louis Cassani, Vice-Chair
Allison Brightman
Karla Geller
Shirley Kaltenborn
Janet Mangini
Sam Swanson

Commission Members Absent

Lawrence Siegel

Student Members Absent

Danielle Morin

Shawn Mohamed

Legislative Members Absent

Charles Poochigian, Senate Member

Assembly Member, Vacant

Governor's Office, Deputy of Education K-12, Liaison Absent

Theresa Garcia

State Board of Education Liaison Absent

Susan Hammer

Kathryn Dronenburg

Department of Education Staff – Present

Yolanda Starr, Commission Secretary

Department of Education Staff -Absent

Ronald S. Kadish, Director
State Special Schools Division

Alice Parker, Executive Secretary
Director, Special Education Division

Janet Canning, Staff Liaison

Friday, January 26, 2001

CALL TO ORDER

Chair Loeb Aronin called the meeting to order at 8:40 a.m. Roll was taken and a quorum was present.

ANNOUNCEMENTS

Chair Aronin announced he was invited to participate in a task force the Learning Disabilities Association of California (LDA-CA) planned to form in 2001 or 2002 to initiate, monitor and respond to legislation intended to benefit special education students. The task force would meet every six to eight weeks. Chair Aronin stated he would participate, and he requested one of the legislative co-chairs also participate in the task force.

Commissioner Barbara Monroe stated she would contact Diana Blackmon for information on the High School Exit Exam Committee.

Theresa Garcia, Assistant Secretary of Education addressed the Commission and stated either she or Lynn Lorber, Staff Analyst for Office for Special Education would attend Commission meetings. Ms. Lorber may be contacted at 916-323-0611 or at llorber@ose.ca.gov.

Commissioner Janet Mangini acknowledged Karin O'Connor, Parent Teachers Association (PTA) who would be attending Commission meetings regularly.

M/S/C 01-01-04

MOVE THAT THE COMMISSION ACCEPT THE NEW CHANGES IN PROPOSED COMMISSION CALENDAR DRAFT WITH NOVEMBER 14, 15, 16 BEING KEPT FLEXIBLE TO CHANGE TO THE FOURTH WEEK OF NOVEMBER.

Cassani/Kaltenborn

Legislative Update: Paul Hinkle, California Department of Education, Special Education

Division, began by updating the Commission on the federal budget. Mr. Hinkle stated that the Part B State Grants Program was increased by 1.31 to 1.359 billion dollars for federal fiscal year 2001. On the scale of the 40 percent authorization funding level, that increase moves the federal funding level from approximately 12.5 to 15 percent. The new federal funding will increase the federal per pupil amount from approximately \$750 to \$1,000. For California, the Part B grants to states for FY 2001 will be \$650,017,799, an increase of \$144,387,000. States did not receive an increase in IDEA pre-school funding. California will receive \$40,139,753. Under Part C of the Infant-Toddler Families, California will receive \$46,979,082, an increase of \$1,049,286.

Mr. Hinkle commented that President Bush's education reform document, *No Child Left Behind*, was available on the Internet at www.ed.gov/. On page 27 of this document, the President pledged IDEA funds would be increased in order to reduce the burden that states and local

districts have borne to meet the needs of students with disabilities. Mr. Hinkle added that Dr. Roderick Paige echoed this pledge during his confirmation hearing. In addition Mr. Hinkle distributed a handout on the Governor's Proposed State Budget for 2001-2002. The Workability I Project received an increase of \$14 million, though \$41.6 million was requested. Mr. Hinkle stated today, January 26, 2001, was the final day for legislators to submit bill proposals to the Legislative Counsel's Office. The deadline to introduce bills is February 24, 2001. The CDE is sponsoring a bill to repeal the Sunset Review provision for special education. It will be an urgency bill to meet the June 30, 2001 sunset deadline. Assemblyman Lou Papan will carry the bill. Included in the bill will be alignment provisions for discipline.

Mr. Hinkle suggested the Commission might consider the following bills:

AJR 1 (Havice) authorizes the President and Congress to stand firm in the resolve to uphold the current provision of the Americans with Disabilities Act or any attempts to weaken the Act to take appropriate measures to encourage public and private entities to implement provisions of the Act and establish whether the ADA has been applied in a manner in which it was intended.

SB 50 (Machado) is a Speech-language Pathology assistance bill regarding authorizing an aide until June 1, 2003 who has worked in that capacity for 12 months to apply for registration as a Speech-Language Pathology Assistant.

SB 105 (Burton) would create a commission for the blind and visually impaired. It would provide for the appointment of its members and vest it with authority over all programs and services currently under the jurisdiction of the Department of Rehabilitation.

Mr. Hinkle announced the 23rd edition of the Composite of Special Education and Related Laws was now available and copies would be mailed to Commissioners. Requests for large quantities will be received at 1-800-995-4099. In addition Mary Sullivan, Mr. Hinkle's secretary may be contacted at 916-445-4607 for requests of one or two copies.

Questions/Comments ensued.

M/S/C 01-01-05
MOVE THAT BARBARA MONROE GO TO THE ASSEMBLY FOR A
"SPOT BILL" TO BE SUBMITTED TODAY, JANUARY 26, 2001.
Kaltenborn/Swanson

Presentation: Issues Related to Special Education Finance, Nancy La Casse, Director, Legislative Services, School Services of California, Inc., spoke about a task force established to increase funding in special education. She distributed copies of a document entitled, *Coalition for Adequate Funding for Special Education 2001 Legislative Platform*. Goals covered in the document were:

- Fully fund AB 602 Equity and Special Disabilities Adjustment
- Continue to use increases in federal funding for special education funding as an augmentation

- Special education deficiencies
 - Growth/decline in ADA
 - Implementation of the special education mandate settlement
- See handout.

In addition, Ms. La Casse provided a handout, *Special Education Overview*, which outlined the status of the state budget regarding funding for the Special Education Mandate Settlement, funding for the Cost of Living Adjustment and statewide ADA growth. Included in the overview were calculations for AB 602 and likelihood of additional federal funding. See Handout.

Questions/Comments ensued.

M/S/C 01-01-06

**MOVE THAT THE ADVISORY COMMISSION FOR SPECIAL EDUCATION
SUPPORT SB 50 (MACHADO) SPEECH ASSISTANT GRANDFATHER
EXTENSION.
Swanson/Aronin**

Update: Complaints/Concerns and Complaint Resolution, Carol Purcell, Manager, Complaints, Mediation Management Unit, California Department of Education provided an overview of the complaint process and stated the Procedural Safeguards and Referral Service Unit handled over 20,000 public contacts per year and some contacts resulted in the initiation of a complaint. Mrs. Purcell spoke about duties of the Complaints Resolution Unit and focused on the complaint process. There are two types of complaints: 1) Failure to implement an IEP and 2) Procedural errors. Seventy percent of complaints are for required services not being provided. The other 30 percent include not maintaining a timeline, not responding to referrals, etc.

Ms. Purcell stated as of January 24, 2001, 627 complaints had been processed and it was anticipated 1,200 would be processed by the end of this fiscal year. Some frequent allegations are: 1) Failure to implement the Individualized Education Plan (IEP), (the most common complaint), 2) Failure to adhere to the 60-day timeline to develop an IEP, 3) Failure to provide a proposed assessment plan within 15 days, 4) Failure to assess in all areas of suspected disability, 5) Failure to ensure extended school year services, 6) Provision of qualified staff, 7) Failure to provide teachers who are knowledgeable of the student's IEP, and 8) Failure to ensure parent participation in developing the IEP.

Ms. Purcell stated there is in-house training of investigators and that mentors are assigned to new consultants. Investigators are assigned to five different regions within California that are aligned with the Focused Monitoring and Technical Assistance Unit.

Ms. Purcell outlined the complaint investigation process and the 60-day timeline to complete a report, including the local resolution process. Any corrective actions that are the result of a complaint are monitored by the Focused Monitoring and Technical Assistance Unit may be required as a result of a complaint. See Handout.

In addition, Ms. Purcell distributed a contact list of Alternative Dispute Resolution (ADR) mentors and implementers. See handout.

Questions/Comments ensued.

PUBLIC INPUT

Debbie Baehler, CARS+ President, distributed copies of the CARS+ Winter 2000-01 newsletter and stated the Commission would receive one free registration day at the CARS+ Convention that would be held February 23-24, 2001, Double Tree Hotel, Sacramento. At CARS+ invitation, the Commission will also hold its meeting at the Double Tree during that same week. In addition, Mrs. Baehler invited the Commission to attend their lunch on Friday.

Discussion: Committee Goals/Plans for the Year, Commissioners suggested the following:

- Adequate funding within the state
- Del Sol Academy presentation (K-12)
- Fifth Avenue Academy presentation – Commissioner Hawkins
- Zero tolerance issue
- High cost students in special education
- MIND Institute study on best practices for autism
- High school exit exam and diplomas
- Medicaid and special education funding
- Video on federal funding (Capistrano Unified School District)
- Tom Parrish and/or Paul Goldfinger: financial incentives to licensed children's institutions to send foster children to nonpublic schools
- More information on students with disabilities who are incarcerated and how they are taken care of
- Judge from Santa Clara who spoke at Kerry Mazzoni hearing
- Revision on discipline
- Juvenile justice-Dr. Walter Olsen, CDE

Regarding new legislation, Chair Aronin stated that initial bills would be given to all Commissioners and when a bill was assigned to a Commissioner, updates would be mailed only to the Commissioner assigned to a particular bill.

It was suggested that an orientation for new Commissioners be given on Wednesday, February 21, 2001, 3:00 p.m. and Erika Hoffman, Governmental Affairs would provide information on a bill analysis.

AGENDA PREPARATION FOR FEBRUARY MEETING, VICE-CHAIR AND COMMITTEE CO-CHAIRS

Chair Aronin met to discuss putting the high school diploma as an action item on the agenda with three of the co-chairs.

Meeting adjourned at 11:50 a.m., as there was not further business.